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BARRY COHEN, CHRIS COHEN (aka CHRISTENE COHEN), the F/V POINT LOMA and  
Claimant, F/V POINT LOMA Fishing Company, Inc.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC., )  
)  
Plaintiff, )  
)  
v. )  
)  
BARRY COHEN, CHRIS COHEN (aka )  
CHRISTENE COHEN), *in personam* and, )  
F/V POINT LOMA, Official Number )  
515298, a 1968 steel-hulled, 126-gross ton, )  
70.8 foot long fishing vessel, her engines, )  
tackle, furniture apparel, etc., *in rem*, and )  
Does 1-10, )  
Defendants. )

No. C-07-2952-WHA

**JOINT ADR PROGRESS REPORT**

**Trial Date: May 19, 2008**  
**Time: 7:30 a.m.**  
**Place: Courtroom 9, 19<sup>th</sup> Floor**

Pursuant to the Court's Reminder Notice of Upcoming Trial and Final Pretrial Conference,  
the parties to the above-entitled action jointly submit this report outlining the progress and status  
of their ADR efforts to date and their further ADR recommendations.

DAVIS WRIGHT TREMAINE LLP

On November 15, 2007, the parties met and participated in a mediation session with mediator, Matthew Vafidis. A settlement was not reached and no follow-up was contemplated. The ADR process was deemed complete and a Certification of ADR Session was filed by Mr. Vafidis on November 21, 2007.

Subsequent to the mediation, the parties have completed discovery and outlined the underlying issues in Plaintiff's Motion for Summary Judgment, or Alternatively, Partial Summary Judgment ("MSJ") and Defendants' Opposition to the MSJ. A hearing on the MSJ is scheduled for April 10, 2008, the pretrial conference is scheduled for May 5, 2008, and the trial is scheduled to begin on May 19, 2008.

Defendants recommend that the case be referred to a Magistrate Judge in San Francisco for a settlement conference. Defendants submit that the additional information the parties have exchanged since the mediation would contribute to meaningful settlement discussions. In the hopes of facilitating a settlement and mitigating the expenses associated with a trial, Defendants therefore recommend that this matter be referred to a Magistrate Judge for a settlement conference as soon as practicable. Plaintiffs agree to defendants' suggestion for a settlement conference.

DATED: March 24, 2008.

/s/ Gwen Fanger

James P. Walsh

Gwen Fanger

DAVIS WRIGHT TREMAINE LLP

Attorneys for Defendants BARRY COHEN,  
CHRIS COHEN, F/V POINT LOMA and the  
F/V POINT LOMA FISHING COMPANY,  
INC

DATED: March 24, 2008.

/s/ Gregory Poulos

Gregory W. Poulos

Max L. Kelley

COX, WOOTTON, GRIFFIN, HANSEN &  
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Attorneys for Plaintiff, DEL MAR  
SEAFOODS, INC.